

Remarks

Applicants thank Examiner Nguyen for the courtesy extended to their representative, Lori A. Gordon, in the interview held on March 20, 2007. During that interview, Applicants' representative and the Examiner discussed U.S. Patent No. 6,023,606 to Monte, et al.

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 13, 14, 18, 19, 26, and 27 are pending in the application, with claims 13, 19, 20, and 26 being the independent claims. Claim 26 is sought to be amended to incorporate the subject matter of dependent claim 18. Claim 18 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 20 has been withdrawn from consideration. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 18, 19, 26, and 27 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Monte, et al, U.S. Patent No. 6,023,606 (Monte). Applicants respectfully traverse this rejection.

Monte does not teach or suggest each and every element of independent claims 19 and 26. Independent claim 19 recites in part "wherein, for each forward

frequency channel, a set of preferred return frequency channels is stored, such that for each of said transceivers to which a specified one of said forward frequency channels is allocated, the allocated one or more return frequency channels is preferentially selected from said corresponding set of preferred return frequency channels." In support of the rejection of independent claim 19, the Examiner cites to two passages in Monte. The first passage describes a resource allocation (RA) module that assigns channels, maximum power levels, etc. *to individual ones of the gateways*. (Monte, col. 11, line 60 - col. 12, line 11)(emphasis added). The second passage generally describes that *a user terminal* may or may not be assigned a different channel than the channel assigned on the forward link. (Monte, col. 4, lines 5-13)(emphasis added). Nowhere does Monte teach or suggest that "for each forward frequency channel, a set of preferred return frequency channels is stored, such that for each of said transceivers to which a specified one of said forward frequency channels is allocated, the allocated one or more return frequency channels is preferentially selected from said corresponding set of preferred return frequency channels," as recited in independent claim 19.

In Monte, data is accumulated at periodic intervals during the connection. (Monte, col. 1, lines 56-57). As described by Monte, the accumulated data indicates "what portion of the overall system resources are utilized on both a forward link ... and a reverse link." (Monte, col. 1, lines 57-60). This data is used to determine an amount to be billed, to derive statistical information describing the traffic handled by a gateway, and to derive predicted resource allocation and resource scheduling information for the gateway. (Monte, col. 1, line 65 - col. 2, line 4). Monte does not

teach or suggest at least "monitoring data transmitted to said transceiver, detecting the content of said monitored data, and predicting, on the basis of said monitoring step according to said content, a demand for capacity in said channel by said transceiver," as recited in amended claim 26.

For at least these reasons, independent claims 19 and 26 are patentable over Monte. Claim 27 depends from claim 26. For at least the above reasons, and further in view of its own features, dependent claim 27 is patentable over Monte. Claim 18 has been canceled by the above amendment. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Allowed Claims

Applicants acknowledge with appreciation the Examiner's indication that claims 13 and 14 are allowed.

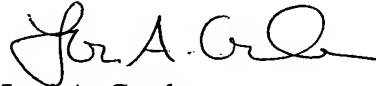
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Lori A. Gordon". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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